

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
&
100 North Barranca Street, Suite 410
West Covina, CA 91791

January 11, 2006
10:00 a.m.

ROLL CALL:

Candice A. Traeger, Chairwoman
Marcy V. Saunders, Board Member
Robert Pacheco, Board Member

MINUTES OF DECEMBER 21, 2005

ADMINISTRATIVE MATTERS

(Information regarding the general administration of cases pending before the Appeals Board.)

1. CALENDARING/CASELOAD

NEW BUSINESS

(The Appeals Board hears and discusses new reports presented by staff.)

OLD BUSINESS

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

1. 2006 LEGISLATION
(Review and discuss legislation introduced that impacts the Appeals Board.)
2. 2005/06 BUDGET
(Review and discuss budget issues for this fiscal year.)
3. 2006/07 BUDGET
(Review and discuss budget issues for this fiscal year.)

CHAIRWOMAN'S REPORT

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
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(Hear report from the Chair on issues affecting the Appeals Board.)

BOARD MEMBERS' REPORTS

(Hear reports from Board Members on issues affecting the Appeals Board.)

EXECUTIVE OFFICER'S REPORT

(Report regarding administrative matters and news from the Department and Appeals Board.)

STAFF REPORTS

(Reports from the Presiding ALJs, the Chief Counsel, and Assistant Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

Any matter not completed at this meeting may be continued to subsequent meetings.

PUBLIC COMMENT

(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)

APPEALS

(Report of statistics regarding appeals docketed by the Appeals Board for the current month, previous months, and previous four years)

Intents to Appeal in December 2005 _____
Total Intents to Appeal in 2005 _____
Appeals docketed in December 2005 _____
Total Docketed Appeals for 2005 _____

| | 2002 | 2003 | 2004 | 2005 | 2006 |
|-----------|------|------|------|------|------|
| January | 586 | 482 | 357 | 422 | |
| February | 420 | 405 | 421 | 435 | |
| March | 320 | 470 | 513 | 400 | |
| April | 559 | 526 | 416 | 406 | |
| May | 589 | 359 | 325 | 187 | |
| June | 384 | 446 | 486 | 517 | |
| July | 511 | 367 | 320 | 372 | |
| August | 426 | 345 | 386 | 345 | |
| September | 374 | 448 | 269 | 380 | |
| October | 438 | 435 | 425 | 346 | |

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
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| | | | | | |
|--------------|-------------|-------------|-------------|-----|--|
| November | 368 | 331 | 332 | 326 | |
| December | 389 | 621 | 509 | | |
| TOTAL | 5367 | 5235 | 4762 | | |

Recess to Closed Session to discuss matters pursuant to Government Code § 11126 (a), (c) (3), and (e) and Labor Code sections 6609 and 6620.

The next Public Meeting/Closed Session is scheduled

Wednesday, January 25, 2006
Cal/ OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
&
100 North Barranca Street, Suite 410
West Covina, CA 91791

**For Further Information
Contact**

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CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA

Government Code § 11126 (a), (c)(3), and (e)

for

Wednesday, January 11, 2006

10:00 a.m.

Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: Douglas G. Nareau, Chief Counsel

DATE: December 29, 2005

RE: Closed Session of the Board on January 11, 2006

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. MANUEL ALVES, 02-R2D4-2171 THROUGH 2173
2. APPLIED ROOF ENGINEERING, INC., 03-R3D1-3941
3. CORAL REEF CONSTRUCTION, 03-R3D1-3940
4. McDONALD'S, 03-R1D3-4116 AND 4117
5. PAR ELECTRICAL CONTRACTORS, INC., 02-R3D2-3794 AND 3795
6. R.D. OLSON CONSTRUCTION, 03-R3D1-3942

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7. RITCHIE PLUMBING, INC., 03-R3D1-4165

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. ADMIRAL TRANSPORTATION, 04-R4D4-3864 AND 3865
2. ADMIRAL TRANSPORTATION, 04-R4D4-3866 AND 3869
3. ADVANTAGE ADHESIVES INC., 05-R3D1-2518 THROUGH 2520
4. ALBERTONS, 05-R3D1-210 AND 211
5. ALL BAY MILL & LUMBER COMPANY, 05-R1D5-3093 THROUGH 3095
6. ALMANOR MANUFACTURING, INC., 04-R2D3-4387 THROUGH 4389
7. ALTADENA CERTIFIED DAIRY, 04-R4D4-2249
8. ANGELICA TEXTILE SERVICES, INC., 04-R2D4-3283
9. ANGELICA TEXTILE SERVICES, INC., 04-R2D4-3284 THROUGH 3285
10. ATLAS CARPET MILLS, 03-R4D2-2443 THROUGH 2447
11. BLUELINE TRANSFER dba BLUE LINE TRANSFER, 04-R1D3-1826
12. BOB GROSSI CONSTRUCTION, INC., 05-R2D4-336 THROUGH 337
13. BORDEN MANUFACTURING, 04-R2D3-4390
14. C & S WHOLESALE GROCERS, INC., 05-R2D1-616
15. CST CONSTRUCTION, 05-R2D3-879
16. CALIFORNIA DEPT. OF TRANSPORTATION CALTRANS-DIVISION OF EQUIPMENT,
04-R2D3-372
17. CALIFORNIA DISTRIBUTION CENTERS, LLC, 03-R2D1-3453
18. CAL PACIFIC FARM MANAGEMENT, 04-R2D5-4040

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19. CARGILL-SALT DIVISION, 04-R1D4-4259 AND 4260
20. COAST AEROSPACE MANUFACTURING, INC., 05-R6D2-2043 THROUGH 2047
21. COAST SEAFOOD COMPANY, 05-R2D3-621
22. CORTI BROS, 04-R2D1-415
23. DOLLAR FINANCIAL GROUP, INC., 05-R1D1-1141
24. EAGLE INTERMODAL SERVICES, 04-R3D3-4678
25. EASTON SPORTS, 04-R4D3-3907 THROUGH 3909
26. EXPRESS PERSONNEL SERVICES, 05-R2D3-874
27. FLEETWOOD HOMES OF CA, 05-R2D1-614 AND 615
28. FRANKLIN TRUCK PARTS, 04-R4D2-4421 THROUGH 4423
29. GENERAL BOILER COMPANY, 03-R4D2-2220 THROUGH 2224, 05-R4D2-598
30. GOURMET APPLIANCE OUTLET, 05-R1D4-606
31. HARU HARU SUSHI, 05-R3D1-1915 THROUGH 1917
32. HOUSING AUTHORITY OF THE CITY OF LOS ANGELES, 04-R4D2-4431
33. HOWE WELDING AND FABRICATION, INC., 04-R3D2-788 THROUGH 790
34. J.E. WILLIAMS CONSTRUCTION CO., 05-R2D2-080 AND 081
35. KAPRANOS CONSTRUCTION, 05-R1D5-613
36. KLEINFELDER, 05-R1D4-3247 AND 3248
37. K MART, 05-R3D3-3139 THROUGH 3140
38. LANDWIN MANAGEMENT/LANDWIN INVESTMENTS, 03-R4D2-4015 THROUGH 4019
39. LATHROP CONSTRUCTION ASSOCIATES, INC., 04-R2D3-4033
40. LAWSON ROOFING CO., 03-R1D3-3061 AND 3062

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41. MARQUEZ BROTHERS ENTERPRISES INC., 1044 THROUGH 1047
42. MARQUEZ BROTHERS ENTERPRISES INC., 1048 THROUGH 1052
43. McDOWELL DAIRY, 04-R1D5-4014
44. McKERNAN INSPECTIONS, INC., 04-R4D2-2935 AND 2936
45. MEADWESTVACO, 03-R4D2-3260 THROUGH 3263 AND 03-R4D2-3264
46. MESA HARVESTING, 03-R4D5-5096
47. PACIFIC SINTERED METAL, 04-R4D2-4428 THROUGH 4430
48. PACTIV CORPORATION, 04-R4D4-3407 AND 3408
49. PERALTA COMMUNITY COLLEGE DISTRICT/MERRITT COLLEGE, 04-R1D4-2630
THROUGH 2636
50. A. PITAMBER dba STAGECOACH MOTEL, 05-R2D1-2380
51. QST INDUSTRIES, INC., 04-R4D2-4300 THROUGH 4304
52. QUIZON CONSTRUCTION, 03-R1D2-2489 AND 2490
53. QUOIN INTERNATIONAL, 05-R2D5-625
54. R A MARTIN CONSTRUCTORS, INC., 05-R2D3-877 AND 878
55. RAPID MANUFACTURING, 04-R6D2-4465
56. REAL MEX FOODS INC., 05-R6D2-3398 THROUGH 3400
57. REDDIN ROOFING, 05-R2D5-1078
58. ROMERO'S FOOD PRODUCTS, 03-R4D4-2457
59. SE-GI PRODUCTS, INC., 04-R3D3-4189 THROUGH 4193
60. SNK CONSTRUCTION, INC., 03-R1D3-1958
61. SENIOR AEROSPACE, 04-R4D3-4432 THROUGH 4433
62. SIERRA NEVADA MEMORIAL HOSPITAL AMBULANCE SERVICE, 03-R2D1-3460
THROUGH 3462

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63. SOPHIA STONE, 05-R2D1-617 THROUGH 620
64. STRUCTURAL COMPOSITE INDUSTRIES, 05-R6D2-3070 THROUGH 3072
65. CITY OF SUSANVILLE PUBLIC WORKS DEPARTMENT, 05-R2D3-1168
66. T & N BUILDERS, 05-R2D3-961
67. T MCGHEE ELECTRIC, INC., 04-R3D5-2725 ABD 2726
68. TRANS WORLD ENTERTAINMENT, 05-R3D5-1003 AND 1004
69. TUTOR SALIBA SLATTERY JV, 03-R5D1-1597
70. UNION INC dba HANEX dba UNION FOODS, 05-R6D2-1819 THROUGH 1830
71. UNION INC dba HANEX dba UNION FOODS, 05-R6D2-3401 AND 3402
72. UNION PACIFIC RAILROAD, 05-R1D4-773
73. UTILITY VAULT COMPANY, 03-R3D3-1982 AND 1983
74. VAN BRUNT FOUNDRY, INC., 03-R4D2-3278 THROUGH 3281 AMENDED
75. VICENTE A. LOPEZ, FLC, 05-R2D4-977
76. WAHLUND CONSTRUCTION, INC., 05-R2D3-332 AND 333
77. ROBERT WALKER, 05-R2D3-965
78. WESTERN STATES WHOLESALE, 04-R3D3-3639 THROUGH 3641
79. WESTWOOD PRODUCTS INC., 03-R3D5-3564 AND 3565
80. WOMACK CONSTRUCTION, 05-R2D3-623
81. YARDBIRDS, 03-R2D2-3160 AND 3161

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1. CROMMIE CONSTRUCTION CORPORATION, 01-R4D1-735 AND 736

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2. GOLAB CONSTRUCTION COMPANY; ARTHUR & MEHRI GOLAB, 02-R4D3-649 THROUGH 653 AND 2431
3. OLIVAS LANDSCAPING SERVICES, 05-R3D3-9136
4. RON POPPER dba RON ELECTRIC, 03-R4D1-4683 THROUGH 4686
5. THE KOREAN TIMES LOS ANGELES, 05-R4D1-9149

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

ACE LATH & PLASTERING dba ACE LATHING, INC., 01-R6D1-4798 THROUGH 4806
BLF FRAMING, 02-R4D3-1837 AND 1838
BAY AREA SYSTEMS & SOLUTIONS, INC., dba BASS ELECTRIC, 01-R1D3-106
BEHAVIORIAL HEALTH SERVICES, INC. dba BHS REDGATE MEMORIAL RECOVERY
CENTER, 01-R3D5-3995 THROUGH 3997
BLUE DIAMOND MATERIALS, A DIVISION OF SULLY MILLER
CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
CONSTRUCTION COMPANY, 02-R5D2-1268
CALIFORNIA FAMILY FITNESS, 03-R2D1-095 AND 096
COX COMMUNICATION dba COX COMMUNICATIONS, 03-R3D2-1942
DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
ETTER & SON CONSTRUCTION, INC., 03-R1D5-3130 AND 3131
FCI CONSTRUCTORS, 01-R4D4-2161 AND 2162
HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 AND 1619
ILH CONSTRUCTION, 02-R1D1-4171 AND 4172
IMPERIAL HIGHWAY CHEVRON, 03-R4D2-2778 THROUGH 2780
J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
JA CON CONSTRUCTION, INC. dba JA CON CONSTRUCTION, 03-R3D2-441
JAMES HIGBY ENGINEERING, 02-R3D2-2944 THROUGH 2948
JAMES HIGBY ENGINEERING, 02-R4D3-4562 THROUGH 4567
JERLANE, INC., dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344
K. A. BINE CONSTRUCTION, 03-R1D5-2031
KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
KEYSOR-CENTURY CORPORATION, 02-R3D7-745 THROUGH 771
KIMES-MORRIS CONSTRUCTION INC., 02-R1D4-1204 THROUGH 1209 AND 02-R1D4-
1273
KNOTT'S BERRY FARM, 01-R3D1-4331 AND 4332
LONG BEACH CITY COLLEGE, 03-R3D5-2747

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LOWPENSKY MOULDING, 03-R1D1-3405
MCI WORLDCOM INC., MCI WORLDCOM NETWORK SERVICES, INC., 00-R1D1-440
THROUGH 442
MEDALLION INDUSTRIES, INC., 02-R6D1-2825 THROUGH 2830
MORILLO CONSTRUCTION, 03-R4D2-1218 THROUGH 1222
NEW ENGLAND SHEET METAL WORKS, 02-R2D5-2091
NIBBLELINKS MASONRY CONSTRUCTION CORP., 02-R3D3-1399 THROUGH 1401
NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
PMR RACE CARS, 03-R3D3-1824 AND 1825
POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
RII PLASTERING INC. dba QUALITY PLASTERING CO., 02-R3D1-2679
RAMONA EQUIPMENT RENTAL, INC., dba ONE STOP EQUIPMENT RENTAL, 02-R3D2-
2944 THROUGH 2948
SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
SHEFFIELD FURNITURE CORPORATION, 00-R6D2-1322 AND 3131 AND 00-R6D2-1323
THROUGH 1326 AND 01-R6D2-1397
SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
STILES PAINT MANUFACTURING, 02-R1D4-1630
STOCKTON TRI INDUSTRIES, INC., 02-R5D1-4946
STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 AND 2614
TRIO METAL, 03-R4D4-0316 AND 0317
UNITED AIRLINES dba UNITED AIRLINES SFO, 00-R1D5-2844
WAREHOUSE DEMO SERVICES, 03-R1D4-3427
WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 AND 3018
BILL CALLAWAY & GREG LAY dba WILLIAMS REDI MIX, 03-R2D1-2400

PENDING LITIGATION

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. ARB, INC., 01-R3D1-2119
2. LUIS AVILA dba E & L AVILA LABOR CONTRACTORS, 00-R3D2-4067
3. BLF FRAMING, 02-R4D3-1837 AND 1838
4. BENICIA FOUNDRY & IRON WORKS, 00-R2D2-2976 THROUGH 2987
5. CASTLE PRECISION INDUSTRIES, 01-R4D3-652 THROUGH 656

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6. DSS ENGINEERING CO., 99-R2D2-1023
7. DESILVA GATES CONSTRUCTION, 01-R2D2-2741
8. HFS INVESTMENTS, INC., dba HADLEY AUTO TRANSPORT, 96-R1D3-3079
9. HARBOR SAND & GRAVEL, 01-R1D3-1016
10. MATAROZZI-PELSINGER BUILDERS, 01-R1D1-1400
11. MOUNTAIN CASCADE, INC., 01-R1D4-3561
12. PACIFIC RESOURCES RECOVERY, 00-R4D2-1108 AND 1109
13. RUDOLPH AND SLETTEN, INC., 01-R1D5-478
14. SUNRISE WINDOW CLEANERS, INC., 00-R4D1-3220 AND 3221
15. TEICHERT AGGREGATES, 00-R5D1-1193
16. TUTOR-SALIBA-PERINI, 97-R6D2-3209 THROUGH 3212
17. UNDERGROUND CONSTRUCTION CO., 00-R1D4-2356
18. VANCE BROWN, INC., 00-R1D2-3318 AND 3319

APPELLATE COURT:

1. BRAGGE CRANE, 01-R3D1-2428
2. BEUTLER HEATING & AIR CONDITIONING, 00-R1D5-014
3. C. OVERAA AND COMPANY, 01-R1D4-3560
4. MOUNTAIN CASCADE, INC., 99-R1D4-1024
5. RIALTO CONCRETE PRODUCTS, INC., 98-R3D3-413
6. SULLY-MILLER CONTRACTING CO., 99-R3D3-896
7. TEICHERT CONSTRUCTION, 98-R2D1-2512
8. THE HERRICK CORPORATION, 97-R1D1-1373

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
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OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

1. ARB, INC., 02-R5D3-1574
Motion for Sanctions and Request for Hearing
2. BILL CALLAWAY & GREG LAY dba WILLIAMS REDI MIX, 03-R2D1-2400
Division's Request for Official Notice
3. LOWPENSKY MOULDING, 03-R1D1-3405
Request for Judicial Notice in Support of Answer to Order of Reconsideration
4. POUK & STEINLE, 03-R4D2-1495 AND 1496
Motion for Hearing and Motion for Reimbursement of Attorneys Fees
Request for Party Status
5. COX COMMUNICATIONS, 03-R3D2-1942
Request for Judicial Notice
6. D & L SHEET METAL, INC., 03-R3D1-433 THROUGH 435
Division's Petition for Judicial Enforcement – Board Rule 372.5
7. Internal Procedures for Board Orders and Stipulations
8. 2006 Rulemaking Calendar

PERSONNEL *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.